

**EXHIBIT A**

1 IN THE UNITED STATES DISTRICT COURT

2 IN AND FOR THE DISTRICT OF DELAWARE

3 ASTRAZENCA AB, AKTIEBOLAGET  
4 HASSLE, and ASTRAZENCA, LP

CIVIL ACTION

5 Plaintiffs,

6 v.

7 ANDRE PHARMACEUTICALS, LLC and  
8 ANDRE CORPORATION,

9 Defendants.

NO. 04-80 (SLR)

10 Wilmington, Delaware  
11 Wednesday, August 11, 2004 at 8:40 a.m.  
12 TELEPHONE CONFERENCE

13 BEFORE: HONORABLE SUE L. ROBINSON, Chief Judge

14 APPEARANCES:

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16 MORRIS NICHOLS ARSH & TUNNELL  
17 BY: JACK B. BLUMENFELD, ESQ.

18 -and-

19 FITZPATRICK CELLA HARPER & SCINTO  
20 BY: LISA B. PERSAENE, ESQ.  
(New York, New York)

21 Counsel for Plaintiffs

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25 Brian P. Gaffigan  
Official Court Reporter

1 APPEARANCES (Continued):

2 MARSHALL, DENNETT, WARNER, COLEMAN & GOGGIN  
3 BY: KEVIN J. CONNORS, ESQ.

4 -and-

5 GRAY CAREY WARE & FRIEDENRICH, LLP  
6 BY: STEVEN A. MEDDOX, ESQ.  
(Washington, District of Columbia)

7 Counsel for Defendants

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13 P R O C E E D I N G S

14 (REPORTER'S NOTE: The following telephone  
15 conference was held in chambers, beginning at 8:40 a.m.)

16 THE COURT: Counsel, this is Judge Robinson  
17 again. Brian is here as our court reporter so you will need  
18 to identify yourselves each time you speak.

19 Before we go on to the issue of the documents  
20 relating to the parent patent, let me just reiterate the  
21 conversation we had about willfulness. I had indicated that  
22 by my reading of the Glaxo case, that the mere filing of and  
23 ANDA is not, cannot be deemed willfulness but that it can be  
24 one factor in a willfulness determination is my reading of  
25 what the Federal Circuit decided. Therefore, willfulness.

3  
1 discovery will go forward starting six weeks before the end  
2 of fact discovery in this case, whatever that date is, but  
3 defendant may file, may engage in a motion practice if  
4 they're convinced that the only factor that the plaintiff can  
5 prove in this case is the filing of the ANDA and there are no  
6 other critical factors that would influence the willfulness  
7 determination.

8 Now, this next issue is a question of whether  
9 the document request related to the parent patent had been,  
10 whether plaintiffs had complied with that request. And I'll  
11 let plaintiffs' counsel reiterate what was said prior to our  
12 being on record, and then we'll let defense counsel respond.

13 MR. BLUMENFELD: Your Honor, Jack Blumenfeld.  
14 Before we do that, I have a 9:30 o'clock trial with Judge  
15 Jordan. So in about three minutes, if I sign-off, I hope  
16 your Honor will understand.

17 THE COURT: Absolutely. Thank you.

18 MR. BLUMENFELD: Thank you, your Honor.

19 MS. PENSABENE: Your Honor, this is Lisa  
20 Pensabene for the plaintiff. I understand that the issue  
21 is documents related to the '318 patent on August 9th. I  
22 believe we told the defendants that we produced all of the  
23 nonprivileged, nonimmune materials on the '318 patent that  
24 it has been able to locate in its possession, custody and  
25 control.

1 MR. MADDOX: This is Steven Maddox for the  
2 defendant. We're presenting on the record that the requests  
3 concerning the '318 patent, request numbers 3 through 17 of  
4 defendants' second request for document requests served on  
5 May 12th of '04. And if the representation being made by  
6 plaintiffs is that the nonprivileged documents responsive to  
7 these requests has been produced, then we have our record.

8 THE COURT: All right. So that there is no need  
9 for a motion to compel, but if defendant wants to go forward  
10 with its motion related to willfulness, then I will try to  
11 address that as soon as its briefed before willfulness  
12 discovery is supposed to start.

13 Is there anything else we need to address this  
14 morning, counsel?

15 MS. PENSABENE: Your Honor, there is one other  
16 issue that perhaps we can short-circuit. That is the  
17 response to contention interrogatories. We served them  
18 about two months ago and we have gotten an objection that  
19 they're premature and their refusal to respond. Meanwhile,  
20 we also were served with contention interrogatories from the  
21 defendants and we were wondering if you could provide some  
22 guidance on how to handle that.

23 THE COURT: Yes. I require contention interro-  
24 gatories to be answered and supplemented, but generally I  
25 require, if asked what I will say, is that the party with the

1 burden of proof on any issue has to provide their responses  
2 to contention interrogatories first and then the opposing  
3 party can respond to the contentions of the party with the  
4 burden of proof, if that makes any sense. In other words, in  
5 terms of infringement contentions, plaintiff would have to  
6 respond first and then defendant would need to respond to  
7 whatever contention interrogatories have been propounded by  
8 plaintiff and vice-versa in terms of defenses. Does that  
9 make any sense to you?

10 MS. PENSABENE: Yes. Certainly, your Honor. It  
11 certainly does. Thank you very much.

12 THE COURT: Is there anything else, counsel?

13 MR. MADDOX: Not from defendants, your Honor.

14 MS. PENSABENE: No, your Honor. Thank you.

15 THE COURT: Thank you, counsel. Good-bye now.

16 (Telephone conference ends at 8:49 a.m.)  
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